

JUL 31 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

DOROTEO GAMEROS OROZCO,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-73995

Agency No. A77-810-560

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006^{**}

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Doroteo Gameros Orozco, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

immigration judge's ("IJ") decision denying his application for cancellation of removal. We dismiss the petition for review for lack of jurisdiction.

We lack jurisdiction to review the IJ's discretionary determination that Orozco failed to show exceptional and extremely unusual hardship. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005). Orozco's contention that the IJ deprived him of due process and equal protection by misapplying the law to the facts of his case does not state a colorable constitutional claim. *See id.*; *see Torres-Aguilar v. INS*, 246 F.3d 1267, 1271 (9th Cir. 2001) ("a petitioner may not create the jurisdiction that Congress chose to remove simply by cloaking an abuse of discretion argument in constitutional garb [T]he claim must have some possible validity.") (Internal quotation omitted).

PETITION FOR REVIEW DISMISSED.